# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF INDIANA NEW ALBANY DIVISION

IN RE: CASE NO. 10-93904

EASTERN LIVESTOCK CO., LLC CHAPTER 11

**DEBTOR** 

#### **NOTICE OF APPEAL**

Come Bluegrass Stockyards, LLC, Bluegrass Stockyards of Campbellsville, LLC, Bluegrass Stockyards East, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Piedmont Livestock Company, Inc., Southeast Livestock Exchange, LLC, and Moseley Cattle Auction, LLC (collectively, the "Appellants"), creditors in the above-captioned bankruptcy case, by counsel, and pursuant to 28 U.S.C. § 158(a) and Fed. R. Bankr. P. 8001(a) and 8002(a), hereby appeal from the following judgment, order, and/or decree entered by this Court in this bankruptcy case, Case No. 10-93904-BHL-11, on August 31, 2012:

### ORDER DENYING MOTIONS TO REMOVE TRUSTEE [ECF No. 1388]

The names of all parties to this judgment, order, and/or decree appealed from and the names, addresses, telephone and facsimile numbers, and e-mail addresses of their respective attorneys are as follows:

## **PARTIES**

## **Appellants**

Bluegrass Stockyards of Campbellsville, LLC, Bluegrass Stockyards East, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Piedmont Livestock Company, Inc., Moseley Cattle Auction, LLC, and Southeast Livestock Exchange, LLC

### **COUNSEL**

Laura Day DelCotto
Amelia Martin Adams
DELCOTTO LAW GROUP PLLC
200 North Upper Street
Lexington, KY 40507
Telephone: (859) 231-5800
Facsimile: (859) 281-1179
Idelcotto@dlgfirm.com
aadams@dlgfirm.com

### **Appellee**

James A. Knauer, Chapter 11 Trustee

James M. Carr
Kevin M. Toner
Terry E. Hall
Dustin R. DeNeal
FAEGRE BAKER DANIELS LLP
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
jim.carr@faegrebd.com
kevin.toner@faegrebd.com
dustin.deneal@faegrebd.com

Wendy W. Ponader FAEGRE BAKER DANIELS LLP 600 E. 96th Street, Suite 600 Indianapolis, IN 46240 Telephone: (317) 569-9600 Facsimile: (317) 569-4800 wendy.ponader@faegrebd.com

AND

John David Hoover Sean T. White HOOVER HULL LLP 111 Monument Circle Indianapolis, IN 46244 Telephone: (317) 822-4400 Facsimile: (317) 822-0234 jdhoover@hooverhull.com

Swhite@hooverhull.com

#### **Other Parties**

Superior Livestock Auction, Inc.

John W. Ames
C.R. Bowles, Jr.
Ivana B. Shallcross
BINGHAM GREENEBAUM DOLL LLP
3500 National City Tower
101 S. 5th Street
Louisville, KY 40202
Telephone: (502) 589-4200
Facsimile: (502) 589-4200
james@bgdlegal.com

#### **AND**

Elliott D. Levin
John M. Rogers
Christopher M. Trapp
RUBIN & LEVIN, P.C.
342 Massachusetts Avenue
Indianapolis, IN 46204
Telephone: (317) 634-0300
Facsimile: (317) 453-8601
edl@rubin-levin.net
Johnr@rubin-levin.net
ctrapp@rubin-levin.net

cbowles@bgdlegal.com ishallcross@bgdlegal.com

The First Bank and Trust Company

Daniel J. Donnellon Stephen A. Weigand FARUKI IRELAND & COX P.L.L. 201 East Fifth Street, Suite 1420 Cincinnati, OH 45202 Telephone: (513) 632-0300 Facsimile: (513) 632-0319 donnellon@ficlaw.com sweigand@ficlaw.com

Kentucky Cattlemen's Association

Joshua E. Clubb BRAMMELL & CLUBB, P.S.C. P.O. Box 629 18 Berry Street New Castle, KY 40050 Telephone: (502) 845-4558 Facsimile: (502) 845-7595

joshclubb@gmail.com

Respectfully submitted,

DELCOTTO LAW GROUP PLLC

/s/ Laura Day DelCotto, Esq.
Amelia Martin Adams, Esq.
200 North Upper Street
Lexington, KY 40507
Telephone: (859) 231-5800
Facsimile: (859) 281-1179

Facsimile: (859) 281-117 ldelcotto@dlgfirm.com aadams@dlgfirm.com

**COUNSEL FOR APPELLANTS** 

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt Amelia Martin Adams davidabt@mwt.net aadams@dlgfirm.com John W. Ames james@bgdlegal.com, smays@bgdlegal.com,

tmills@bgdlegal.com

Jerald I. Ancel jancel@taftlaw.com, ecfclerk@taftlaw.com,

krussell@taftlaw.com

T. Kent Barber kbarber@dlgfirm.com, dlgecf@dlgfirm.com,

dlgecfs@gmail.com

Robert A. Bell rabell@vorys.com, dmchilelli@vorys.com
C. R. Bowles cbowles@bgdlegal.com, smays@bgdlegal.com,

cjenkins@bgdlegal.com

Steven A. Brehm sbrehm@bgdlegal.com,

bbaumgardner@bgdlegal.com,

smays@bgdlegal.com

Kent A. Britt kabritt@vorys.com, cbkappes@vorys.com,

dfhine@vorys.com, tbfinney@vorys.com

Kayla D. Britton kayla.britton@faegrebd.com,

becky.turner@faegrebd.com, sarah.herendeen@faegrebd.com

Lisa Koch Bryant courtmail@fbhlaw.net John R. Burns john.burns@faegrebd.com,

sandy.rhoads@faegrebd.com,

oliana.nansen@faegrebd.com

John R. Carr jrciii@acs-law.com, sfinnerty@acs-law.com

James M. Carr jim.carr@faegrebd.com,

sarah.herendeen@faegrebd.com, becky.turner@faegrebd.com

Deborah Caruso dcaruso@daleeke.com, mthomas@daleeke.com

Ben T. Caughey ben.caughey@icemiller.com

Bret S. Clement bclement@acs-law.com, sfinnerty@acs-law.com

Joshua Elliott Clubb joshclubb@gmail.com Jason W. Cottrell jwc@stuartlaw.com

Kirk Crutcher kcrutcher@mcs-law.com, jparsons@mcs-law.com

Jack S. Dawson jdawson@millerdollarhide.com,

jowens@millerdollarhide.com, receptionist@millerdollarhide.com

Dustin R. DeNeal dustin.deneal@faegrebd.com,

becky.turner@faegrebd.com, sarah.herendeen@faegrebd.com

Laura Day DelCotto ldelcotto@dlgfirm.com, dlgecf@dlgfirm.com,

dlgecfs@gmail.com

David Alan Domina dad@dominalaw.com, KKW@dominalaw.com,

efiling@dominalaw.com

Daniel J. Donnellon ddonnellon@ficlaw.com, knorwick@ficlaw.com

Trevor L. Earl tearl@rwsvlaw.com

Shawna M. Eikenberry shawna.eikenberry@faegrebd.com,

sarah.herendeen@faegrebd.com

Jeffrey R. Erler jeffe@bellnunnally.com

Robert H. Foree robertforee@bellsouth.net Sandra D. Freeburger sfreeburger@dsf-atty.com,

smattingly@dsf-atty.com

Peter M. Gannott pgannott@gannottlaw.com,

mkeane@gannottlaw.com, jemerson@gannottlaw.com, paralegal@gannottlaw.com, gannottlaw@gmail.com

Melissa S. Giberson msgiberson@vorys.com

Jeffrey J. Graham jgraham@taftlaw.com, ECFClerk@taftlaw.com,

dwineinger@taftlaw.com, aolave@taftlaw.com

Terry E. Hall terry.hall@faegrebd.com,

sharon.korn@faegrebd.com, sarah.herendeen@faegrebd.com

John David Hoover jdhoover@hooverhull.com
John Huffaker john.huffaker@sprouselaw.com,

lynn.acton@sprouselaw.com, rhonda.rogers@sprouselaw.com

Jeffrey L. Hunter jeff.hunter@usdoj.gov,

USAINS.ECFBankruptcy@usdoj.gov

Jay Jaffe jay.jaffe@faegrebd.com,

sarah.herendeen@faegrebd.com

Todd J. Johnston tjohnston@mcjllp.com

James Bryan Johnston bjtexas59@hotmail.com, bryan@ebs-law.net

Jill Zengler Julian Jill.Julian@usdoj.gov

Jay P. Kennedy jpk@kgrlaw.com, tfroelich@kgrlaw.com,

ads@kgrlaw.com

Edward M. King tking@fbtlaw.com, dgioffre@fbtlaw.com
James A. Knauer jak@kgrlaw.com, hns@kgrlaw.com

Erick P Knoblock eknoblock@daleeke.com
Theodore A. Konstantinopoulos ndohbky@jbandr.com

Randall D. LaTour RDLatour@vorys.com, khedwards@vorys.com,

bjtobin@vorys.com

David A. Laird david.laird@moyewhite.com,

lisa.oliver@moyewhite.com,

deanne.stoneking@moyewhite.com

David L. LeBas dlebas@namanhowell.com,

koswald@namanhowell.com

Elliott D. Levin edl@rubin-levin.net, atty\_edl@trustesolutions.com

robin@rubin-levin.net, edl@trustesolutions.com,

edl@trustesolutions.net

Kim Martin Lewis kim.lewis@dinslaw.com,

lisa.geeding@dinslaw.com, patrick.burns@dinslaw.com

James B. Lind jblind@vorys.com Karen L. Lobring jblind@vorys.com lobring@msn.com John Hunt Lovell john@lovell-law.net, sabrina@lovell-law.net,

shannon@lovell-law.net, paula@lovell-law.net

harmony.mappes@faegrebd.com, Harmony A. Mappes

judith.gilliam@faegrebd.com, sarah.herendeen@faegrebd.com

john.massouh@sprouselaw.com John Frederick Massouh

Michael W. McClain mike@kentuckytrial.com, laura@kentuckytrial.com

Kelly Greene McConnell lisahughes@givenspursley.com James Edwin McGhee mcghee@derbycitylaw.com, belliott@derbycitylaw.com,

patenaude@derbycitylaw.com

rmeyer@stites.com William Robert Meyer

Christie A. Moore cm@gdm.com, ljs2@gdm.com

amorris@stites.com, dgoodman@stites.com Allen Morris

judy.morse@crowedunlevy.com, Judy Hamilton Morse

ecf@crowedunlevy.com,

donna.hinkle@crowedunlevy.com, karol.brown@crowedunlevy.com

wsnewbern@msn.com Walter Scott Newbern shiv.oneill@faegrebd.com, Shiv Ghuman O'Neill amanda.castor@faegrebd.com

kim.maynes@moyewhite.com Matthew J. Ochs

moyler@rwsvlaw.com Michael Wayne Oyler ross.plourde@mcafeetaft.com, Ross A. Plourde

afton.shaw@mcafeetaft.com Wendy W. Ponader wendy.ponader@faegrebd.com,

sarah.herendeen@faegrebd.com

tpridmore@mcjllp.com, lskibell@mcjllp.com Timothy T. Pridmore

Anthony G. Raluy traluy@fbhlaw.net

Eric C. Redman ksmith@redmanludwig.com,

kzwickel@redmanludwig.com, myecfmailrl@gmail.com

ewrichardson@vorys.com, bjtobin@vorys.com Eric W. Richardson

jratty@windstream.net Joe T. Roberts

Mark A. Robinson mrobinson@vhrlaw.com, dalbers@vhrlaw.com johnr@rubin-levin.net, susan@rubin-levin.net John M. Rogers

jrogers@millerdollarhide.com, Joseph H. Rogers cdow@millerdollarhide.com

Jeremy S. Rogers Jeremy.Rogers@dinslaw.com

James E. Rossow jim@rubin-levin.net, susan@rubin-levin.net,

ATTY\_JER@trustesolutions.com

tscherer@bgdlegal.com, mmcclain@bgdlegal.com Thomas C. Scherer Ivana B. Shallcross ishallcross@bgdlegal.com, smays@bgdlegal.com,

tmills@bgdlegal.com, acoates@bgdlegal.com

wsmith@k-glaw.com, pballard@k-glaw.com William E Smith

James E. Smith jsmith@smithakins.com,

legalassistant@smithakins.com robert.stanley@FaegreBD.com

Robert K. Stanley robert.stanley@FaegreBD.com
Joshua N. Stine kabritt@vorys.com

Andrew D. Stosberg astosberg@lloydmc.com
Meredith R. Thomas mthomas@daleeke.com

John M. Thompson john.thompson@crowedunlevy.com,

jody.moore@crowedunlevy.com, donna.hinkle@crowedunlevy.com

Kevin M. Toner kevin.toner@faegrebd.com,

judy.ferber@faegrebd.com, crystal.hansen@faegrebd.com

Christopher M. Trapp ctrapp@rubin-levin.net, carmen@rubin-levin.net

U.S. Trustee ustpregion10.in.ecf@usdoj.gov Andrea L. Wasson andrea@wassonthornhill.com

Jennifer Watt jwatt@kgrlaw.com, pad@kgrlaw.com,

ads@kgrlaw.com

Stephen A. Weigand sweigand@ficlaw.com

Charles R. Wharton Charles R. Wharton@usdoj.gov Sean T. White swhite@hooverhull.com,

vwilliams@hooverhull.com

Jessica E. Yates jyates@swlaw.com, docket\_den@swlaw.com,

 $mmccleery@swlaw.com, \, msadams@swlaw.com\\$ 

James T. Young james@rubin-levin.net, lemerson@rubin-levin.net,

carmen@rubin-levin.net

I further certify that on September 13, 2012, a copy of the foregoing pleading was served by first-class U.S. mail, postage prepaid, or by electronic mail as indicated, on the following:

Bovine Medical Associates, LLC

1500 Soper Road

Carlisle, KY 40311

VIA US MAIL

National Cattlemen's Beef Assoc.

c/o Alice Devine

allie@devineanddonley.com

VIA EMAIL

Nancy Gargula

Region 8, UST Office nancy.gargula@usdoj.gov

VIA EMAIL

/s/ Laura Day DelCotto, Esq.
COUNSEL FOR APPELLANTS